

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA ex rel.
KARINA CHRISTENSEN,

Plaintiff,

v.

SOUTHERNCARE, INC.,

Defendant.

ORDER

11-cv-137-wmc

This order requests clarification from party-in-interest United States of America as to whether it opposes dismissal of this case under the “public disclosure” jurisdictional bar pursuant to 31 U.S.C. § 3730(e)(4), which directs this court to “dismiss an action or claim under this section, unless opposed by the Government, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed.”

The phrase “unless opposed by the Government” was added by the 2010 amendments enacted by the Patient Protection and Affordable Care Act. *See* 124 Stat. 901, Pub.L. 111-148, § 10104(j)(2). Likely because the 2010 amendments do not apply to cases filed on or before March 23, 2010, *Graham County Soil and Water Conservation District v. U.S. ex rel. Wilson*, 130 S.Ct. 1396, 1400 n. 1 (2010), it would appear no court within the Seventh Circuit has yet confronted the question of what it means for the government to “oppose” dismissal in this context.

Here, the government has filed a “statement of interest” arguing against dismissal on substantive grounds (dkt. #30), which the court can only presume is intended to

constitute formal opposition as contemplated by § 3730(e)(4). The court, therefore, respectfully requests clarification from the government by June 20, 2012, as to whether it officially opposes dismissal absent the Supreme Court rendering the issue moot as a result of its expected ruling on the Patient Protection and Affordable Care Act.

Entered this 14th day of June, 2011.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge